

MINUTES

**MONTANA SENATE
56th LEGISLATURE - REGULAR SESSION
COMMITTEE ON STATE ADMINISTRATION**

Call to Order: By **CHAIRMAN MACK COLE**, on February 10, 1999 at 10:00 A.M., in Room 331 Capitol.

ROLL CALL

Members Present:

Sen. Mack Cole, Chairman (R)
Sen. Don Hargrove, Vice Chairman (R)
Sen. Jon Tester (D)
Sen. Jack Wells (R)
Sen. Bill Wilson (D)

Members Excused: None.

Members Absent: None.

Staff Present: Keri Burkhardt, Committee Secretary
David Niss, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SJ 4, 1/18/1999; HB 141,
2/4/1999
Executive Action: SB 292, SB 356, HB 141

HEARING ON HB 141

Sponsor: REP. TONI HAGENER, HD 90, HAVRE

Proponents: Joe Kerwin, Deputy of Elections and Legislative
Bureau, Secretary of State
Robert Throssell, Montana Association of Clerks
and Records

{Tape : 1; Side : A; Approx. Time Counter : 10 - 19}

Opening Statement by Sponsor:

REP. TONI HAGENER, HD 90, Havre, said this bill is requested by the Secretary of State. It is an act to change the voter registration form and thereby delete some unnecessary language. They are requesting improving the form and putting all the necessary information on one card. It will be more easily filed and more comprehensive. This does not eliminate all of the language. It is a time saver, money saver, and space saver. As the old forms run out, they will print the new forms on a simpler single form.

Proponents' Testimony:

Joe Kerwin, Deputy of Elections and Legislative Bureau, Secretary of State, passed out the current voter registration form **EXHIBIT(sts33a01)**. He explained they would like to give their office and the Clerks and Records office the option to print the card as it currently is or without the unnecessary information on it. This information has been changing. Some of it is already included in the Board of Declaration. Not many people keep the attached card. They usually keep the confirmation mailing that is sent out afterward. This will save some money and give them some flexibility. It removes the mandate requiring them to include the information, but allows the option to continue printing the additional language on there.

Robert Throssell, Montana Association of Clerks and Records, said that this is an added expense. The added information is overkill. He added this bill will help stream line the process.

Questions from Committee Members and Responses:

SEN. WILSON asked **Joe Kerwin** to explain the form with the carbon. **Mr. Kerwin** said it is the same card as he handed out, but in a different form. He explained different counties print their cards in different formats. **SEN. WILSON** asked what information would be taken out. **Mr. Kerwin** said the small stub would be taken out. All that would be given out is the card itself and the voter declaration. He said they will follow up with a confirmation mailing from the clerk and recorders, which will have the pertinent information. **SEN. WILSON** asked if that portion was redundant. **Mr. Kerwin** explained part of the information would be included in the voter declaration and part of the information would be included in the confirmation mailing.

Closing by Sponsor:

REP. HAGENER urged the committee to support this legislation.

HEARING ON SJ 4

Sponsor: SEN. TOM BECK, SD 28, DEER LODGE.

Proponents: Betty Babcock, President, Montana Capitol
Restoration Foundation
Andrew Malcolm, Executive Assistant, Governor
Bob Brown,
Doug Monger, Fish Wildlife, and Parks

Information: Bill Bayless, General Services Division,
Department of Administration

{Tape : 1; Side : A; Approx. Time Counter : 19 - 34}

Opening Statement by Sponsor:

SEN. TOM BECK, SD 28, Deer Lodge, said they would like to place memorabilia in the Capitol to honor Representatives and Senators that will harmonize with the restoration of the Capitol. They also want to commemorate the United States Senator and Ambassador, Mike Mansfield. They are separating the Mike Mansfield portion out of the resolution. They want a permanent placement for the House of Representatives' memorial, as well as the Senate. They would also like the donors of the restoration project recognized. When they separate the Mansfield portion out of this resolution, he will be asking the committee to give a committee resolution that will continue with the Mike Mansfield portion.

Proponents' Testimony:

Betty Babcock, President, Montana Capitol Restoration Foundation, read **EXHIBIT**(sts33a02).

Andrew Malcolm, Executive Assistant, Governor, is appearing on behalf of the Governor. They have a special interest in the placement of the statue of Mike Mansfield. The statue would stand as a permanent reminder to the public and its government of the man's dedication, integrity, sincerity, humility, and accomplishments in many areas of public life. The proposal received unanimous endorsement from the Capitol Complex Council. The memorial to Senator Mansfield would be financed through private donations. They intend to work closely with the Montana Arts Council and the Capitol Complex Advisory Council in the selection of the design, artist, and placement of the statue.

Bob Brown said he drafted a resolution for Mike Mansfield. He urged the committee to strike the portion on Senator Mansfield from the bill and introduce a separate committee resolution for Mike Mansfield. He suggested that a joint committee, with the House and the Senate, meet and talk about Mike Mansfield. Mansfield is the most significant statesman this state has ever produced. He was the Senate Majority Leader longer than any other person in history and was elected all eight times without opposition. He served as Ambassador to Japan longer than anyone in history. Senator Mansfield changed careers at the age of 86. Senator Mansfield deserves high recognition and a lot of people would like to have an opportunity to participate in it.

Doug Monger, Fish, Wildlife, and Parks, read **EXHIBIT(sts33a03)**.

Informational Witnesses:

{Tape : 1; Side : A; Approx. Time Counter : 34 - 53}

Bill Bayless, General Services Division, Department of Administration, explained that the second item in the resolution has to do with the recognition of House members. Last session they passed a resolution recognizing Senate members with a plaque that will be handled by the Senate. They have had requests for a similar recognition for House members. The second item allows the House recognition to be handled by House members.

Andrew Malcolm added for informational purposes, they should not let the memorial for Mike Mansfield get carried away, as Mike Mansfield should not have to be confronted about it and be put on the spot.

Questions from Committee Members and Responses:

SEN. TESTER asked **Mr. Malcolm** if it would put Sen. Mansfield on display to put forth a resolution. **Mr. Malcolm** said it would not. His concern is that people will go running to him in their enthusiasm to show what they are doing.

SEN. COLE clarified they would put together one committee bill to memorialize Mike Mansfield and have an amendment to strike the Mansfield portion from this resolution.

Closing by Sponsor:

SEN. BECK handed out **EXHIBIT(sts33a04)**. He explained that Senator Mansfield is a humble person and should not be made to feel he is on the spot. He wants to have him recognized. He added the Montana Capitol Restoration has a huge task to match

the funds given by the state, but they are willing to take charge. He urged the committee to pass the resolution.

DISCUSSION ON SJ

A brief discussion was held to clarify the committee bill and amendment to Senate Joint Resolution 4. The committee bill is not subject to the transmittal deadline.

EXECUTIVE ACTION ON HB 141

Motion/Vote: SEN. WILSON moved that HB 141 BE CONCURRED IN.
Motion carried 5-0.

EXECUTIVE ACTION ON HB 198

{Tape : 1; Side : B; Approx. Time Counter : 53 - 68}

Motion/Vote: SEN. TESTER moved that HB 198 BE CONCURRED IN.
Motion carried 4-1 with Wells voting no. (This bill was held for further action on 2/15/96.)

EXECUTIVE ACTION ON SB 356

David Niss, Legislative Services Division, handed out amendments **EXHIBIT (sts33a05)**. These amendments do two things in addition to the amendments passed out during the hearing, which adds a former or current highway construction contractor to the commission. The additional amendment specifies if the commission is going to vote on awarding a contract to a company, the contractor of the company may not vote on awarding of the contract. The amendment does not include the requirement that the Governor appoint someone from the list submitted by the Contractor's Association.

Motion: SEN. WELLS moved that SB 356 BE AMENDED.

SEN. TESTER stated even though the person isn't voting on the member's own highway construction business when awarding a contract, it still brings forth a question of impropriety. This is different than members from other associations in that this money is coming directly from the state. He understands it is incumbent upon members who do not know anything about highway construction business to learn.

SEN. WELLS said there are other cases where this kind of conflict of interest could potentially occur because they receive state or

federal money. He thinks many boards, at one time or another, gain an advantage by tax payer money. He feels someone with expertise needs to be on the board.

Vote: Roll call vote was taken. **Motion carried 4-1 with Tester voting no.**

SEN. COLE stated they needed to have someone who is knowledgeable in Native American needs, as opposed to mandating they be a Native American. This is because the member will represent the reservation as well as a financial district. This would be the fairest way.

Motion/Vote: **SEN. WILSON** moved that **SB 356 DO PASS AS AMENDED.**
Motion carried 5-0.

EXECUTIVE ACTION ON SB 292

They discussed **Senate Bill 292**. **Mr. Niss** said there is a title problem in that bill. The bill states it is a bill to clarify the law concerning the Constitutionality of some of the language, and the amendment passed by the committee creates a new offense with the person making misrepresentations about themselves during the campaign. The bill cannot be changed through its passage through the legislature.

Motion: **SEN. WILSON** moved to withdraw the motion to amend **SB 292** that included a person making misrepresentations about themselves during the campaign. **Motion carried 5-0.**

Motion/Vote: **SEN. WELLS** moved that **SB 292 DO PASS.** **Motion carried 5-0.**

{Tape : 1; Side : B; Approx. Time Counter : 68 - 88}

DISCUSSION ON SB 228

A discussion was held as to holding the tax election in May. They talked about having a sunset provision for 1999. They have requests for exemptions. They have to deal with the application of the bill for this year. Also, the dates must be chosen for this year. Some members feel there are some collections of fees, taxes, and charges that should not be included in the bill, as they do not believe they are covered under CI-75. They talked about the other bills that addressed all of the fees affected by CI-75. Any and all fees affected by CI-75 should be tied into this bill. They discussed the possibility of giving two opportunities to have one tax election during the transition

period. The May date would be the tax election date after the year 2000. The Department of Revenue would find out when they could have their certified values for this year and if it is legal to use the centrally assessed values from the previous year. They also decided they did want contingent provision.

{Tape : 2; Side : A; Approx. Time Counter : 88 - 96}

The committee was given their second set of board appointments.

ADJOURNMENT

Adjournment: 11:36 A.M.

SEN. MACK COLE, Chairman

KERI BURKHARDT, Secretary

MC/KB

EXHIBIT (sts33aad)